

#12-10

**AN ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AUTHORIZING THE EXCHANGE OF THE PROPERTY KNOWN AS BLOCK 148 LOT 6 KNOWN AS THE PUMP STATION PROPERTY FOR THE PROPERTY KNOWN AS PARCEL 7.03 A WHICH IS A PORTION OF BLOCK 148 LOT 7.03 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. permits a municipality to enter into an agreement for the exchange of lands owned by the municipality for other lands desired for public use; and

**WHEREAS**, North Brunswick TOD Associates, LLC ("NBTOD") is the owner of certain real property and all the rights, agreements, appurtenances, hereditaments and easements pertaining thereto and associated therewith and all improvements and fixtures located therein or attached thereto, consisting of approximately 206.158 acres, located in the Township of North Brunswick ("Township"), Middlesex County, State of New Jersey, with a street address of 2300 U.S. Route 1 North, North Brunswick, New Jersey 08902, designated as Block 148, Lots 5.04, 7.01, 7.03 and 23 on the current Tax and Assessment Map of the Township ("NBTOD Property"); and

**WHEREAS**, as of the date of this ordinance ("Ordinance"), a sanitary sewer pump station ("Pump Station") serves the NBTOD Property and is maintained and operated by NBTOD at NBTOD's sole cost and expense; and

**WHEREAS**, NBTOD owns all of the pumps and other equipment ("Pump Station Equipment") comprising the Pump Station, but the Township owns the lot on which the Pump Station is located ("Pump Station Lot") and the building ("Pump Station Building") which is located on the Pump Station Lot and encloses the Pump Station Equipment; and

**WHEREAS**, the Pump Station Lot is known and designated as Block 148, Lot 6 on the current Tax and Assessment Map of the Township and consists of approximately 2,025 square feet; and

**WHEREAS**, the Pump Station Lot is an undersized, non-conforming, land locked lot, with no access, surrounded on all sides by the NBTOD Property; and

**WHEREAS**, the Township does not wish to own the Pump Station Lot or Pump Station Building since NBTOD is responsible for the operation, maintenance and repair of the Pump Station and the Pump Station primarily serves the NBTOD Property; and

**WHEREAS**, the Township is the applicant to the New Jersey Department of Transportation ("DOT") for future roadway improvements at the intersection of U.S. Route 1 and Commerce Boulevard, and in connection with said future roadway improvements the Township requires certain properties for rights-of-way for said future roadway improvements which rights-of-way the Township will ultimately convey to the DOT; and

**WHEREAS**, said future roadway improvements at the intersection of U.S. Route 1 and Commerce Boulevard are in the furtherance of the Township's and the public's interests; and